

ORDINANCE NO. 2009-1

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING CHAPTER 2, ARTICLE XIV, “ZONING ORDINANCE REVIEW COMMITTEE, SECTION 2-215, “JURISDICTION, DUTIES”; BY EXPANDING JURISDICTION TO INCLUDE HOTEL RESORT ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne Council wishes to amend Section 2-215 to include the Hotel Resort District for consideration by the Zoning Ordinance Review Committee.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the recitals stated above is hereby adopted and confirmed.

Section 2. Creation of Board. That Section 2-215 “Jurisdiction, duties” of Article XIV “Zoning Ordinance Review Committee” of Chapter 2 “Administration” of the Village Code is hereby amended, to read as follows:¹

Article XIV. Zoning Ordinance Review Committee.

Sec. 2-215. Jurisdiction, duties.

The jurisdiction of the board shall be solely advisory. Final actions of the board shall be in the appropriate form and written recommendations shall be provided to the Village Council. The following matters shall be within the advisory jurisdiction of the board:

- (1) Evaluate the Village Land Development Code ~~with the exception of any regulations governing HR districts.~~
- (2) Based upon the work in subsection (1) above, prepare and submit a report to the Village Council recommending specific changes to the Land Development Code.

¹ / Proposed deletions from text of Village Code are indicated by ~~strike through~~.

(3) Any other related matters assigned to the board by the Village Council.

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Effective Date.** That this ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this 9th day of December, 2008.

PASSED AND ADOPTED on second reading this 13th day of January, 2009.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

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